

Application S/N 10/659,993  
Amendment Dated: December 21, 2006  
Response to Office Action dated: July 5, 2006

CE11149JI211

### **REMARKS/ARGUMENTS**

Claims 1-20 remain pending in the application. In the Office Action, claims 1-6 and 8-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,563,931 to Bishop, et al. (Bishop) in view of U.S. Patent No. 6,275,690 to Higuchi, et al. (Higuchi). In addition, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop in view of Higuchi and further in view of U.S. Patent Application Publication No. 2003/0154249 to Crockett, et al. (Crockett).

Independent claim 1 recites a method for providing a reply to a dispatch call transmitted by a first radio that includes receiving the dispatch call at a second radio and transmitting a preprogrammed message by the second radio in response to the received dispatch call. Independent claims 10 and 15 recite similar subject matter. The Examiner has concluded that Bishop teaches a method for providing a reply to a dispatch call transmitted by a first radio in which the dispatch call is received at a second radio (see paragraph 3, page 2 of the Office Action of July 5, 2006). Applicants respectfully disagree with this holding.

In particular, Applicants submit that Bishop does not describe a dispatch communication system for relaying dispatch calls between mobile units. Bishop never mentions anything about making or receiving a dispatch call, as one of skill in the art would understand that term to mean. The Examiner has referenced "dispatch call center 47" as evidence that Bishop does support such a method of communication. Applicants point out, however, that the term "dispatch call center" is merely used to convey that this particular gateway offers a central location(s) for operator services in handling emergency interconnect phone calls (see col. 10, lines 55-59 and col. 11, lines

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10-15). In fact, Bishop explains that "any 'focal point' of communication will be an acceptable equivalent" to the term "dispatch call center."

As further evidence that Bishop does not contemplate a dispatch communication system, the calls are routed over a line (43) to the public telephone switched network (45) before arriving at the call center (47) (see FIG. 1 and col. 10, lines 48-49). One of skill in the art would appreciate that dispatch calls are not routed through the public telephone switched network or any other circuit-switched network, and Bishop has not presented any other method of routing the calls described in that reference.

Even if such a strained interpretation of Bishop were accepted, Applicants submit that one of ordinary skill in the art would not have any suggestion or motivation to combine the Bishop and Higuchi references. Specifically, Bishop is directed to providing a communication system for an emergency wireless telephone (see Abstract). In fact, Bishop expressly notes that "[a]n important feature of the phone 61 is its lack of an overly complex set of controls" (see col. 13, lines 21-22). The reason for limiting such complexity is because Bishop provides a simple emergency communication system for individuals unfamiliar with the use of cellular telephones (see col. 13, lines 40-45) or those suffering from certain physical disabilities (see col. 16, lines 57-62). One of skill in the art would simply have no motivation to combine the complex processes described in Higuchi with Bishop in view of Bishop's concern with simplicity. In fact, Applicants contend that this overriding theme of simplicity in Bishop teaches away from adding additional features to the communication system, such as the complex messaging system of Higuchi. In view of the above, Applicants submit that independent claims 1, 10 and 15 are patentable over the prior art.

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Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. In particular, Applicants submit that the process of storing a record of a message that was transmitted, such as in a recent call list, which is recited in dependent claims 4 and 5, is not shown in Higuchi. The passages in Higuchi to which the Examiner refers in rejecting these dependent claims, col. 6, lines 60-67 and col. 7, lines 1-10, do not describe such a feature. Those passages merely refer to transmitting a previously stored message and the types of messages that may be transmitted. They are not at all concerned with keeping a record of messages that have been transmitted.

Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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